

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

Patente, Marken u. Lizenzen

07. JUNI 2004

To:

WAGNER, Bernhard P.
TER MEER STEINMEISTER & PARTNER GBR
Patentanwälte
Association No. 6
Mauerkircherstrasse 45
D-81679 München
ALLEMAGNE

EINGEGANGEN
TER MEER - STEINMEISTER & PARTNER
12. JULI 2004
Frist 10. 8. 2004

PCT

IRRLÄUFEL

WRITTEN OPINION

(PCT Rule 66)

Date of mailing
(day/month/year)

06.07.2004

Applicant's or agent's file reference
NC 32114 PCTREPLY DUE within 1 month(s) and 15 days
from the above date of mailingInternational application No.
PCT/IB 02/02598International filing date (day/month/year)
02.07.2002Priority date (day/month/year)
02.07.2002International Patent Classification (IPC) or both national classification and IPC
H04L29/08Applicant
NOKIA CORPORATION et al.

- This written opinion is the **second** drawn up by this International Preliminary Examining Authority.
- This opinion contains indications relating to the following items:
 - I Basis of the opinion
 - II Priority
 - III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV Lack of unity of invention
 - V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI Certain documents cited
 - VII Certain defects in the international application
 - VIII Certain observations on the international application
- The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
- The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 02.11.2004

Name and mailing address of the international preliminary examining authority:



European Patent Office
D-80298 Munich
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Authorized Officer

Bhalodia, A

Formalities officer (Incl. extension of time limits)

Slater, S
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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-9 as originally filed

Claims, Numbers

1-8 as originally filed

Drawings, Sheets

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

5. This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-8
Inventive step (IS)	Claims	1-8
Industrial applicability (IA)	Claims	

2. Citations and explanations**see separate sheet**

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1). Reference is made to the following documents:

D1: DE 199 11 416 A
D2: WO 02/35870 A
D3: WO 01/41458 A

- 2.) The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claim 1** is not new in the sense of Article 33(2) PCT.

The document **D1** discloses (the references in parentheses applying to this document):

An electronic personal device (ref.1, fig.1) comprising:
a central processing unit,
interface means for providing access to a memory area for storing personal information data of the owner of the electronic device (Col.3, l.13-18),
a user interface having at least
input means (ref.5, fig.1) for inputting operating commands, and
output means (ref.3, fig.1) for outputting information data,
locking means for locking the electronic device to prevent unauthorized use thereof if activated, (col.1, l.50-56) and
retrieving means for operating the electronic device to retrieve the personal information data stored in the memory area, even if the locking means are activated (col.2, l.29-33).

- 3). A similar novelty objection against **claim 1** can be based on the disclosure of D2 (p.11, par. 3; p.13, claim 6).
- 4). A similar novelty objection against **claim 1** can be based on the disclosure of D3 (p.3, l.21 - p.4, l.17; p.7, l.20 - p.8, l.13).

- 5). Dependent **claims 2-8** do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty, see documents D1,D2,D3 and the corresponding passages cited in the search report.
- 6). If the application is pursued and new claims are filed the indications listed below should be followed:

For the revision of the claims, all documents cited in the search report should be taken into account.

The claims should be drafted in the **two-part form** in accordance with Rule 6.3(b) PCT, with those features known being placed in the preamble.

To meet the requirements of Rule 5.1(a)(ii) PCT, the documents D1,D2 and D3 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.

The applicant should indicate in the letter of reply the difference of the subject-matter of the new claim vis-à-vis the state of the art and the significance thereof. Any argument showing the presence of an inventive step should be mentioned in the letter of reply.

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To:
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9. MRZ. 2004

1. 4. 2004

WRITTEN OPINION

(PCT Rule 66)

<p>Applicant's or agent's file reference NC 32114 PCT</p>		Date of mailing (day/month/year) 02/03/2004
International application No. PCT/IB02/02598	International filing date (day/month/year) 02/07/2002	Priority date (day/month/year) 02/07/2002
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4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 02/11/2004

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I. Basis of the opinion

1. The basis of this written opinion is the application as originally filed.

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability

1. In light of the documents cited in the international search report, it is considered that the invention as defined in at least some of the claims does not appear to meet the criteria mentioned in Article 33(1) PCT, i.e. does not appear to be novel and/or to involve an inventive step (see international search report, in particular the documents cited X and/or Y and corresponding claims references).
2. If amendments are filed, the applicant should comply with the requirements of Rule 66.8 PCT and indicate the basis of the amendments in the documents of the application as originally filed (Article 34 (2) (b) PCT) otherwise these amendments may not be taken into consideration for the establishment of the international preliminary examination report. The attention of the applicant is drawn to the fact that if the application contains an unnecessary plurality of independent claims, no examination of any of the claims will be carried out.

NB: Should the applicant decide to request detailed substantive examination, then an international preliminary examination report will normally be established directly. Exceptionally the examiner may draw up a second written opinion, should this be explicitly requested.